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Attorney general asks judge to expand on Amendment 2 ruling

Appeal being prepared for high court's review

Associated Press

DENVER — The state on Wednesday asked the Denver judge who found Colorado's voter-passed Amendment 2 unconstitutional last week to rule on issues raised by the state that he did not address in his decision.

Attorney General Gale Norton made the request in a motion entered before Denver District Judge Jeffrey Bayless, who declared Amendment 2 unconstitutional in a decision issued Dec. 14. The state plans to appeal his ruling to the Colorado Supreme Court.

Amendment 2 would have barred laws that protect homosexuals from discrimination based on their sexual orientation.

Bayless' decision said the initiative approved by Colorado voters in November 1992 violated the "equal protection" clause of the 14th Amendment to the U.S. Constitution because it denied homosexuals equal access to the political process.

In her motion, Norton said Bayless' decision,



Norton: Wants outstanding issues addressed.

■ Drive targeting gay rights laws launched in Arizona/B11

which came after a two-week trial of a lawsuit challenging Amendment 2 brought by six individuals and three cities, did not address several other issues the state had raised in its defense of the initiative.

Those issues included the plaintiffs' claims regarding the right to petition, freedom of association, freedom of expression, supremacy clause, vagueness, home-rule powers and school district powers, Norton said.

"This motion will ensure that all issues in this case are fully resolved, and that the state's appeal of the court's decision will be complete," Norton said.

She said the state's motion asks that Bayless expedite his ruling on the outstanding issues.

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